

Message Text

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PAGE 01 STATE 050344 TOSEC 060042

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DRAFTED BY :MLEIGH:BE

APPROVED BY DEPUTY SECRETARY

S:PBABIAN (SUBSTANCE)

S/S-O:AOTTO

S/PRS:MR. FUNSETH (SUBSTANCE)

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FM SECSTATE WASHDC

TO USDEL SECRETARY IMMEDIATE

S E C R E T STATE 050344 TOSEC 060042

EXDIS - FOR THE SECRETARY FROM INGERSOLL

E.O. 11652: XGDS 3

TAGS: PINT, SOPN, JA, US

SUBJE-T: ACTION MEMORANDUM: LOCKHEED AFFAIR - PRESS

GUIDANCE.

(S/S NO.7604320)

.. ROD HILLS, CHAIRMAN OF THE SEC, ADVISED LEIGH LATE TODAY THAT THE NEW YORK TIMES (BOB SMITH) HAS A STORY FOR TOMORROW'S EDITION ABOUT LOCKHEED AND THE JAPANESE REQUESTS FOR EVIDENCE. HILLS THINKS THAT ANGLE OF STORY WILL BE THAT STATE DEPARTMENT IS TRYING TO KEEP LID ON DISCLOSURES OF NAMES, ETC. HILLS TOLD SMITH THAT HE WAS AWARE OF THE JAPANESE GOVERNMENT REQUESTS FOR CERTAIN FILES RELATING TO LOCKHEED; THAT THE SEC AS IN PRIOR CASES WAS DISPOSED TO COOPERATE WITH FOREIGN GOVERNMENTS AND THAT IT WAS PREPARED WHEN FORMALLY REQUESTED TO FOLLOW THIS PRACTICE IN THIS CASE.

2. ACCORDING TO HILLS, HE DID NOT TELL SMITH THAT THE GOVERNMENT WAS EXPLORING PROCEDURES FOR ESTABLISHING INTER-SECRET

SECRET

PAGE 02 STATE 050344 TOSEC 060042

CHANGES OF INFORMATION BETWEEN THE JUSTICE DEPARTMENT HERE

AND THE MINISTRY OF JUSTICE IN JAPAN. HOWEVER, ACCORDING TO HILLS, SMITH WAS ALREADY AWARE OF THE MEETING WHICH TOOK PLACE ON FRIDAY AT THE JUSTICE DEPARTMENT AND OF THE MEETING

WHICH TOOK PLACE TODAY AT THE JUSTICE DEPARTMENT. HILLS STATED THAT HE COULD NOT TELL FROM THE DISCUSSION WHETHER SMITH WAS AWARE OF THE FACT THAT JAPANESE EMBASSY REPRESENTATIVES WERE PRESENT AT THE TWO MEETINGS.

3. AT THE THREE O'CLOCK MEETING THIS AFTERNOON JAPANESE REPRESENTATIVES EXPRESSED EXTREME APPREHENSION THAT KNOWLEDGE OF MEETINGS WOULD BECOME PUBLIC PRIOR TO PRESIDENT FORD'S RESPONSE TO MIKI LETTER. JAPANESE DO NOT HAVE INSTRUCTIONS AS TO PROPOSED PROCEDURES AND I AM DOUBTFUL THAT WE WILL HAVE AN AGREED TEXT MUCH BEFORE THE END OF THE WEEK.

4. IN VIEW OF THE FOREGOING, WE BELIEVE ADDITIONAL PRESS GUIDANCE IS NECESSARY. AS YOU KNOW, WE HAVE HERETOFORE STATED ONLY THAT WE HAVE BEEN IN CONTACT WITH THE SEC AND WITH THE CHURCH COMMITTEE AND THAT THE JAPANESE REQUESTS ARE UNDER CONSIDERATION. NOW WE BELIEVE ADDITIONAL PRESS GUIDANCE IS NECESSARY AND WE RECOMMEND THE FOLLOWING:

QUESTION: WHAT IS THE STATE DEPARTMENT DOING TO BE RESPONSIVE TO THE JAPANESE AND OTHER GOVERNMENT REQUESTS FOR INFORMATION CONCERNING LOCKHEED?

ANSWER: THE STATE DEPARTMENT FULLY UNDERSTANDS THE CONCERNS OF OTHER GOVERNMENTS WHOSE CITIZENS MAY BE INVOLVED AND IS SEEKING TO BE AS RESPONSIVE AS POSSIBLE TO THEIR REQUESTS. WE SHARE WITH THESE OTHER GOVERNMENTS THE DESIRE TO SEE COMPLETE INVESTIGATIONS INTO THE MATTER AND LEGAL ACTIONS TAKEN WHERE WARRANTED.

IN THIS CONNECTION, IT MUST BE UNDERSTOOD THAT THERE ARE UNITED STATES GOVERNMENT INVESTIGATIONS IN PROGRESS WHICH THE INVESTIGATING AGENCIES AND THE STATE DEPARTMENT NATURALLY DO NOT WISH TO SEE PREJUDICED. WE ALSO SHARE
SECRET

SECRET

PAGE 03 STATE 050344 TOSEC 060042

WITH OTHER INTERESTED GOVERNMENTS THE CONCERN THAT THE RIGHTS OF INDIVIDUALS BE PROTECTED IN AN ORDERLY ADMINISTRATION OF JUSTICE. WE HAVE BEEN CONSIDERING ON AN URGENT BASIS WITHIN THE USG HOW BEST TO RESPOND POSITIVELY TO THE REQUESTS OF INTERESTED GOVERNMENTS IN A WAY THAT WILL SAFEGUARD THESE IMPORTANT COMMON INTERESTS.

CONSISTENT WITH THESE GENERAL OBJECTIVES, WE HAVE

BEEN EXPLORING ON AN URGENT BASIS WITH THE DEPARTMENT OF JUSTICE AND OTHER UNITED STATES LAW ENFORCEMENT AGENCIES AS TO THE BEST PROCEDURES FOR COOPERATION WITH FOREIGN LAW ENFORCEMENT AGENCIES IN CONNECTION WITH THE COMPLICATED PROBLEMS RAISED IN THE LOCKHEED MATTER. THESE

DISCUSSIONS ARE STILL IN PROGRESS AND IT IS NOT APPROPRIATE TO SAY MORE.

QUESTION: WOULD THE PROCEDURES BEING DISCUSSED WITH THE JUSTICE DEPARTMENT APPLY TO THE CHURCH COMMITTEE?

ANSWER: WHATEVER PROCEDURES ARE WORKED OUT WITHIN THE EXECUTIVE BRANCH IN RESPONSE TO THE REQUESTS OF FOREIGN OFFICIALS WILL BE MADE AVAILABLE TO THE CHURCH SUBCOMMITTEE.

5. RECOMMENDATION: THAT YOU APPROVE THE FOREGOING PRESS GUIDANCE.

APPROVE

DISAPPROVE

DRAFTED: L:MLEIGH

CONCURRENCE:

S:PBABIAN (IN SUBS)

S/PRS:MR. FUNSETH (IN SUBS)

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